

VF
New Jersey, Newark - General

TO THE HONORABLE JAMES R. GIULIANO, ASSIGNMENT JUDGE OF THE
SUPERIOR COURT OF NEW JERSEY, IN THE COUNTY OF ESSEX:

The Eighth Grand Jury of the 1967 Term was assigned the task of investigating the 26 deaths that occurred during the civil disturbances in Newark during the period from July 13 through July 18, 1967. A previous Grand Jury has already handed down an indictment in one of these cases. The members of the Grand Jury faced this undertaking in the spirit of our solemn oath to "diligently inquire and true presentment make of all such matters and things as shall be given you in charge, or in any way come to your knowledge touching the present service." During our deliberations in 32 sessions we heard testimony from more than 100 witnesses over a period of eight weeks. Names of potential witnesses were obtained from the Prosecutor's Office, the staff of the Governor's Select Commission on Civil Disorder, the Newark Legal Services Project and from witnesses testifying before us. In addition to civilian witnesses, the Essex County Medical Examiner and numerous officials, experts and personnel of the New Jersey State Police, the New Jersey National Guard, the Newark Police, and the Federal Bureau of Investigation testified. All persons presumed to have any knowledge of the deaths were subpoenaed. Based upon the testimony submitted, the Jury herewith presents its findings and the action taken in each of the 25 cases.

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[Findings and action taken in their investigation
of 26 deaths occurring during the civil disturbances
in Newark, July 13 through July 18, 1967.]

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Essex County Grand Jury

(Summary of findings from about February 12, 1968
to April 5, 1968)

1. ROSE ABRAHAM

Age- 45

DATE: July 14, 1967

TIME: 12:30 or 1:00 A.M.

PLACE: Blum Street at or near Springfield Avenue

Rose Abraham suffered a fatal bullet wound of the right hip. The bullet recovered from the victim's body had insufficient characteristics for identification or comparison with any known weapon. She was out looking for one of her children when she was shot by someone whose identity could not be determined. According to all witnesses including her husband the shooting occurred at Springfield Avenue and Blum Street at which time police were attempting to clear this area of looters. After the shooting, a neighbor drove her to the hospital under escort by Newark patrolmen.

Due to insufficient evidence of any criminal misconduct, the Jury found no cause for indictment.

2. MARY HELEN CAMPBELL

Age- 31

DATE: July 14, 1967

TIME: 1:00 A.M.

PLACE: High and Spruce Streets

Mary Helen Campbell was fatally injured in an automobile accident between the car in which she was riding as a passenger with three others and a Newark Fire Department Truck as the truck was making a turn at the above location. One of her fellow passengers in the vehicle stated that they were returning from a party. The witness was asleep at the time of the accident and could not indicate how it had occurred. The driver of the fire truck described how the automobile in which Mrs. Campbell was riding ran into the side of his vehicle as it was making a left hand turn.

The other two occupants of the vehicle in which the decedent was riding could not be located.

Due to insufficient evidence of any criminal misconduct, the Jury found no cause for indictment.

3. TEDOCK BELL

Age- 28

DATE: July 14, 1967

TIME: Approximately 4:00 A.M.

PLACE: Magnolia Street at or near its intersection with Bergen Street

Tedock Bell was fatally shot in the right chest while running from the corner of Magnolia and Bergen Streets where a store had been burglarized. Apparently he was shot by an unidentified Newark police officer who had called to him to halt. Witnesses indicated that Tedock Bell had been at the intersection with others who had turned back from that location leaving him in the area. One witness saw the shooting clearly from a nearby second floor window and testified that she heard the police officer call "halt" before he fired his weapon. Bell continued to run to the corner of Fairview and Magnolia Streets where he fell.

Due to insufficient evidence of any criminal misconduct, the Jury found no cause for indictment.

4. JAMES SANDERS

Age- 16

DATE: July 14, 1967

TIME: 4:10 A.M.

PLACE: At or near 77 Jones Street

James Sanders was fatally shot in the back by a Newark police officer who pursued him after observing him and others burglarizing a liquor store at the corner of

Springfield Avenue and Jones Street. Officers pursued him through a vacant lot where Sanders while running turned and threw a bottle at them. After he failed to comply with a command to halt, he was felled by a shotgun blast.

Due to insufficient evidence of any criminal misconduct, the Jury found no cause for indictment.

5,6,7 ISAAC HARRISON

Age- 73

ROBERT LEE MARTIN

Age- 22

DETECTIVE FREDERICK TOTO

Age- 33

DATE: July 14, 1967

TIME: Approximately 5:00 P.M. to 5:15 P.M.

PLACE: Broome and Mercer Streets

These three persons were all fatally wounded by gunfire at approximately the same time and at the same location in the sequence as set forth below. Isaac Harrison suffered fatal shotgun wounds in the left chest and abdomen as he was attempting to enter his son's car which was parked at the entrance of 62 Broome Street, commonly known as Scudder Homes Project. Robert Lee Martin died of a fractured skull due to a fall caused or probably caused by bullet wounds in the right arm and back of the left shoulder, suffered while he was walking down Mercer Street between Broome and Howard Streets. Approximately 10 or 15 minutes after the shooting of Harrison and Martin, Newark Detective Frederick Toto was fatally wounded on the corner of Broome and Mercer Streets by a .22 caliber bullet which entered his left chest travelling in a downward path.

On the basis of the evidence presented the Grand Jury believes that these three deaths were closely related. At the time, extensive breaking, entering and larceny had been taking place in the vicinity of Springfield Avenue, Broome and Mercer Streets. A large crowd of people had gathered in front of the Scudder Homes Project. Newark Police responded to a radio call, checked the location, and upon return to their car they were met by sniper fire apparently coming from the Project. The police retaliated by firing upon the Project and it was at this time that Harrison and Martin were fatally shot and a young girl in an upper floor in the Project was wounded. A Catholic priest from a local parish testified that he had administered to the needs of Martin and Harrison. He was leaving the area when he heard gunfire resume and from a vantage point about a block away on Mercer Street observed puffs of gunsmoke from the upper floors of the Project. It was at this time and possibly as a result of the renewed sniper fire that Detective Frederick Toto was fatally wounded.

Due to insufficient evidence of any criminal misconduct on the part of any identifiable individual, the Jury found no cause for indictment in any of these three deaths.

8. RUFUS COUNCIL

Age- 35

DATE: July 14, 1967

TIME: Approximately 5:15 P.M.

PLACE: 69 South Orange Avenue

Rufus Council died from a .38 caliber bullet wound in the head. The bullet was too badly distorted for

identification purposes. He was one of a large crowd of people gathered on the north side of South Orange Avenue a short distance from Broome Street. Several witnesses testified that an unmarked car containing four police officers was driving north on Broome Street from the direction of Springfield Avenue towards South Orange Avenue. This would have been a few minutes after the death of Detective Toto. The occupants of the car were observed to be shooting into the air and as the car turned into South Orange Avenue the officer sitting in the rear of the car behind the driver fired his pistol into the crowd which resulted in the death of Rufus Council. There was conflicting testimony as to whether the car's occupants were Newark police officers or State police.

Due to insufficient evidence of any criminal misconduct on the part of any identifiable individual, the Jury found no cause for indictment.

9. CORNELIUS MURRAY

Age- 29

DATE: July 14, 1967

TIME: 5:30 P.M.

PLACE: 61 Jones Street

Cornelius Murray was killed by a bullet which passed through his left chest and was not recovered. He was shot while standing with a group of men in front of a tavern on the west side of Jones Street a short distance from Springfield Avenue. Witnesses stated that they observed what appeared to be two Newark policemen firing at them from a window on the second floor of a vacant building on the northeast corner of Springfield Avenue and Jones Street and also from the rooftop of an adjacent building.

When the firing started, the group fled but Murray was hit. Shortly after the shooting, a Newark police car responded to the area to assist State Police officers who were pinned down by snipers on Springfield Avenue near Jones Street. The Newark police explained to Murray's companions that they could not take Murray to the hospital but would call for an ambulance; whereupon the civilians themselves drove Murray to the hospital. The police searched the building on the corner of Springfield Avenue and Jones Street and the adjacent buildings, including the rooftops, but found no one nor any spent shells or cartridges. Apparently, this shooting occurred within about fifteen minutes of the shooting of Detective Toto a few blocks away.

Due to insufficient evidence of any criminal misconduct by any identifiable person, the Jury found no cause for indictment.

10. OSCAR HILL

Age- 50

DATE: July 14, 1967

TIME: 7:00 P.M.

PLACE: Unknown

Oscar Hill was fatally shot in the right chest. The autopsy revealed a lead bullet which was too distorted for identification purposes. There are no known witnesses to this shooting. He was employed at the Spring Manor Tavern, located on the east side of Jones Street near Springfield Avenue. During the day he had visited the tavern, talked with fellow employees and was scheduled to report to work at 5:00 P.M. which he failed to do. His body was brought to the hospital by persons unknown.

Due to insufficient evidence of any criminal misconduct, the Jury found no cause for indictment.

11. LEROY BOYD

Age- 34

DATE: July 14, 1967

TIME: 7:30 P.M.

PLACE: Belmont and Avon Avenues

Leroy Boyd was fatally shot in the left side of his back. The autopsy revealed a large irregular lead fragment in the abdomen. Newark police officers testified that they had apprehended six people, one of whom was Boyd, while burglarizing a pharmacy on Belmont Avenue. The suspects including Boyd had been lined up against a building when a spectator began to taunt and curse the police officers. At first they ignored him and another spectator pulled him back into the crowd. Other police officers then arrived to assist in the arrest at which time a Newark patrolman was attacked by the abusive spectator. During the struggle, the patrolman's shotgun was accidentally discharged, wounding another patrolman in the arm and fatally wounding Boyd.

Due to insufficient evidence of any criminal misconduct, the Jury found no cause for indictment.

12. EDDIE MOSS

Age-11

DATE: July 14, 1967

TIME: 9:00 P.M.

PLACE: Exact location not ascertained

Eddie Moss was fatally shot in the right side of the head while riding with his family in an automobile. The father testified that he had run through two barricades between Elizabeth and Hawthorne Avenues. The National

Guardsmen on duty in that area indicated that the automobile had crashed through their barricade, that when they approached the car, it accelerated and did not stop at their command to halt. As it sped away, the guardsmen fired two shots at the vehicle. They did not know that anyone had been hit because the vehicle never stopped, but sped down Elizabeth Avenue. The father stated that he was unaware that his son had been shot until he returned to his residence. No bullets were recovered nor is the family aware of the present location of the vehicle. Other incidents of gunfire occurred while the vehicle was en route to its destination; therefore, the exact location of the fatal shooting is unknown.

Due to insufficient evidence of any criminal misconduct, the Jury found no cause for indictment.

13. RICHARD TALIAFERRO

Age- 25

DATE: July 14, 1967

TIME: 11:15 P.M.

PLACE: At or near South 8th Street and 11th Avenue

Richard Taliaferro was fatally shot in the back by a police officer while fleeing from a burglarized liquor store. The officers ordered the victim to halt but instead Taliaferro and his companions fired hand weapons at them. One of the officers returned the fire with a shotgun. No weapon was found at the scene of the incident; however, a large crowd had gathered around the victim before the police had an opportunity to reach him.

Due to insufficient evidence of any criminal misconduct, the Jury found no cause for indictment.

14. ALBERT MERSIER, JR.

Age- 20

DATE: July 14, 1967

TIME: 11:55 P.M.

PLACE: Mulberry Street at or near Chestnut Street

Albert Mersier, Jr., was fatally shot by a police officer as he was fleeing from the scene of a burglarized warehouse at Mulberry and Chestnut Streets. He was observed by the police and a civilian witness coming out of the alley behind the warehouse with a package in his arms. Upon seeing the police officers, he dropped the package and ran. The package contained merchandise from the warehouse. Another civilian witness observed the police officers running on Mulberry Street and firing at Mersier. The victim's father said that he had learned from a companion of his son at the time that the two had broken into and had entered the warehouse.

Due to insufficient evidence of any criminal misconduct, the Jury found no cause for indictment.

15. WILLIAM FURR

Age- 25

DATE: July 15, 1967

TIME: 2:25 P.M.

PLACE: At or near 125 Avon Avenue

William Furr died of shotgun wounds in the back resulting from shots fired by two Newark patrolmen as he fled from a burglarized liquor store. The patrolman had responded to a radio call indicating a break and entry at the location. Upon their arrival, they observed Furr leaving the liquor store with beer in his hands. He disregarded several orders by the police to halt and was felled by shotgun fire as he fled. A civilian testified

that he had observed the shooting and that the police had fired one or more warning shots before firing the shots which killed Furr and wounded a young boy. This shooting was depicted dramatically in a weekly magazine published shortly after the incident. The photographer who had taken the pictures, was subpoenaed but failed to appear.

Due to insufficient evidence of any criminal misconduct, the Jury found no cause for indictment.

16, 17, 18 ELOISE SPELLMAN

Age- 41 322 Hunterdon Street

HATTIE GAINER

Age- 53 302 Hunterdon Street

REBECCA BROWN

Age- 29 298 Bergen Street

DATE: July 15, 1967

TIME: Between 6:00 and 7:00 P.M.

Mrs. Eloise Spellman was fatally shot in the left side of the neck while standing in the window of her 10th floor apartment in the Hayes Homes Project on Hunterdon Street which is diagonally across from a firehouse located at the corner of Springfield Avenue and Hunterdon Street. Several witnesses testified to heavy fire by State Police and National Guardsmen directed at the upper floors of the Project.

Mrs. Hattie Gainer was fatally wounded in the chest while she was in her second floor apartment at 302 Hunterdon Street at about the same time that Mrs. Spellman was killed. Her daughter observed State Police in the area and immediately after the shooting the State Police entered her building investigating suspected sniper fire from the building.

Mrs. Rebecca Brown whose home was in the same general area as Mrs. Gainer's and Mrs. Spellman's was

fatally wounded in the left abdomen by rifle fire at about the same time. A relative said that bullets had splintered the window frame of the window at which Mrs. Brown was standing. He stated that National Guardsmen had arrived in the area just before the shooting, had dismounted from their vehicles and had taken cover behind them. Then they commenced shooting at the surrounding buildings.

These three women were all innocent victims of shooting by State Police and National Guardsmen who had responded to the area because of reported sniper fire and at the request of the commanding officer of the fire house located at the corner of Springfield Avenue and Hunterdon Street. He testified that there had been no police nor guardsmen in the area and that he had been obliged to take the fire company out of service because of persistent sniper fire in the area. The tapes of State Police communications indicate that there was sniper fire directed at the southerly side of the firehouse at this time. It was impossible to determine the identity of either State Police or National Guardsmen who fired weapons in the area.

Due to insufficient evidence of any criminal misconduct on the part of any identifiable individuals, the Jury found no cause for indictment in any of these three deaths.

19. RAYMOND HAWK

Age- 24

DATE: July 15, 1967

TIME: 10:20 P.M.

PLACE: At or near 949 Frelinghuysen Avenue

Raymond Hawk died of a gunshot wound of the head which he received as he was running towards Newark police officers with an object which looked like a section of a pipe or a cable. The police responded in answer to a report of a burglary taking place at that location. There was evidence of forcible entry at the rear of the premises and a tire iron was found at the scene. The sworn statement of a civilian witness who did not testify was read to the Jury.

Due to insufficient evidence of any criminal misconduct, the Jury found no cause for indictment.

20. MICHAEL MORAN

Age- 41

DATE: .. July 15, 1967

TIME: 10 to 10:30 P.M.

PLACE: 500 Central Avenue

Newark Fire Captain Michael Moran was killed by a bullet which entered his left side. Police testimony indicated that the bullet was an armor piercing cartridge of a common variety that can be readily purchased as can the rifle from which it could be fired. The bullet apparently ricocheted before striking Captain Moran and the identity of the person who fired it is unknown. A witness testified that Moran had responded to an alarm at the above location which had apparently been set off by a

bullet which had pierced the sprinkler system in the building. A possible source of this bullet was an automobile that had been driven up Central Avenue immediately preceding the alarm. There were reports of firing from that vehicle at the fire house on Central Avenue. Captain Moran and his companions were shot at as they attempted to gain access to the building through a second story window.

Due to insufficient evidence of any criminal misconduct on the part of any identifiable individual, the Jury found no cause for indictment.

21. ELIZABETH ARTIS

Age- 65

DATE: July 16, 1967

TIME: 4:35 A.M.

PLACE: 38 Prince Street

Elizabeth Artis died of a heart attack at her home.

Due to lack of evidence of any criminal misconduct, the Jury found no cause for indictment.

22. VICTOR LOUIS SMITH

Age unknown

DATE: July 16, 1967

TIME: 8:25 A.M.

PLACE: Unknown

Victor Louis Smith was found dead in a hallway by persons unknown. The autopsy revealed that the cause of death was an overdose of narcotics. He was pronounced dead on arrival at the hospital.

Due to lack of evidence of any criminal misconduct, the Jury found no cause for indictment.

23. JAMES RUTLEDGE

DATE: July 16, 1967

TIME: Between 5:05 and 5:12 P.M.

PLACE: Tavern and Liquor Store located at Bergen Street
and Custer Avenue

James Rutledge was fatally shot by police officers while burglarizing the package store annex of a tavern at Custer Avenue and Bergen Street. The County Medical Examiner testified that the autopsy report showed evidence of four, or possibly five, separate shotgun wounds in the back and six bullet wounds in the back of the head, any of which could have been fatal. He further testified that, based on the condition of the body tissues, all of these shots had been fired within seconds of one another, almost simultaneously.

Shortly after 5:00 P.M. a car containing four Newark police officers closely followed by several cars of State Police had arrived at the tavern in response to a radio alarm advising of breaking and entering and possible larceny at the location. They found the tavern closed and completely boarded up except for a window on the Custer Avenue side, where the boards had been partially removed. Inside this window, stacks of beer were observed. Two Newark police officers entered the tavern through this window and began to search the premises; they were followed shortly by two State Police officers. All testified that the interior of the tavern and adjoining liquor store was very dark and the visibility correspondingly poor. Their testimony as to what then occurred inside the tavern is conflicting, vague and in many respects contradictory. The consensus of their testimony, substantiated by physical evidence at the scene,

indicates that the fatal shooting of Rutledge occurred in the liquor store annex of the tavern and that the victim at the time was behind a counter located along the wall of the store next to the tavern and near the entrance from the tavern. The Newark police, after a search of the tavern, entered the adjoining liquor store with the State Police close behind. As they moved towards the center of the store, which was in extreme but not total darkness, they suddenly observed a man rise from behind the counter, holding a knife in a raised position; the police opened fire simultaneously. The testimony of most witnesses, including officers stationed outside the tavern, agreed that the shots were fired in rapid succession, although a few witnesses reported a pause between the first shots and the final shot or shots.

The testimony of a ballistics expert indicated that at least two revolvers and one or more shotguns had been fired, but none of the spent bullets or slugs could be traced to any particular gun although tests were conducted. Testimony of police radio personnel placed the elapsed time between the first alarm as to "looting" at the tavern and the final report of the shooting of the suspect at only seven minutes.

The Jury also heard testimony to the effect that three juveniles, who had accompanied Rutledge to the tavern were later apprehended in the back room of the tavern some distance from the package store. These juveniles had previously made statements to the effect that they were eyewitnesses to the shooting of Rutledge but they repudiated these statements before the Grand Jury.

The Jury finds that, although some of the testimony was conflicting as to the actual chain of events

inside the tavern after the arrival of the police officers, certain facts are supported by the preponderance of evidence heard:

1. A breaking and entering had been committed at the scene of the tavern.

2. Intent to commit larceny was clearly evident from the cases of beer stacked inside the opened window.

3. A knife was recovered near the victim.

After considering all of the facts, the Jury found that the police officers were justified in their use of firearms, although too many shots were fired from too many guns. This manifest error in judgment on the part of the police the Jury attributes to the conditions prevailing in Newark at the time, and more specifically to the conditions within the darkened tavern and liquor store where the officers confronted the suspect. The Jury further found no evidence of malice, criminal intent or wanton use of unreasonable force. In the absence of such criminal misconduct, the Jury found no cause for indictment.

It has come to the Jury's attention that many erroneous and deliberately false accounts of this incident have been published and transmitted to various government agencies and to the public, in the form of leaflets, news accounts and a book entitled "Rebellion in Newark." Moreover, the Jury found that a distorted photo of the victim depicting a complete mutilation of the body, not resulting from the shooting was distributed in Newark with the inflammatory leaflets attached. The Jury finds this act to be despicable and flagrantly

irresponsible and designed to inflame unnecessarily an already troubled community. The Jury is concerned and believes that adequate steps should be taken by responsible persons in the various agencies such as Newark Legal Services Project and The American Civil Liberties Union to assure themselves that irresponsible and unauthorized persons should not and will not have access to documents and physical evidence, including photographs, which are the work product of said agencies.

24. MICHAEL PUGH

Age- 12

DATE: July 16, 1967

TIME: 11 P.M.

PLACE: 340-15th Avenue

Michael Pugh was fatally wounded in the upper right thigh while emptying garbage in front of his home. No bullet was recovered. Some friends testified that they believed the shot had come from National Guardsmen stationed at the intersection of Bergen Street and 15th Avenue about a block away. The identity of any Guardsmen in that area could not be determined. Shortly after the shooting, the victim's companions stated that they hailed officers in a passing car which transported the boy to the hospital. The identity of these officers is unknown, although State Police communications recorded at the time indicated that an unidentified State Police car did transport a young boy from that location to the hospital.

Due to insufficient evidence of any criminal misconduct, the Jury found no cause for indictment.

25. RAYMOND GILMER

DATE: July 18, 1967

TIME: 12:03 A.M.

PLACE: Jelliff Avenue just north of Clinton Avenue

Raymond Gilmer was fatally shot in the back of the head by one of three shots fired by a Newark detective as he fled after disregarding an order to halt. Prior to the shooting, Gilmer had been observed by Newark police officers carrying a package out of a basement door at 774 Bergen Street. After the vehicle in which the police were riding made a u-turn, Gilmer was ordered to stop. Instead, he fired a shot which hit the left rear door of the police vehicle and fled in a Pontiac sedan. The police pursued with siren on and lights flashing to Clinton and Jelliff Avenues where Gilmer jumped from his car and attempted to flee. The Newark detective fired three shots, one of which struck Gilmer. A search of Gilmer's car, later proven to have been stolen, disclosed the presence of a .38 caliber revolver containing four live bullets and one spent cartridge which had been secreted under the left front seat. Also recovered from the car were articles of clothing and a knife was found near the body of the victim. A civilian witness testified that he had heard the police siren and observed the shooting as described. After the shooting he and everyone else were ordered off the street. He also testified that all stores in the area were closed including a restaurant located at the corner of Clinton and Jelliff Avenues. A statement by an alleged eyewitness who did not testify because of his absence from the State, was read to the Jury.

Due to insufficient evidence of any criminal misconduct, the Jury found no cause for indictment.

In summarizing the circumstances surrounding each of the deaths the Jury found that three were from causes not directly related to the riots. The remaining twenty-two homicides were all the result of gunshot wounds received in situations directly related to the disturbances. Of these, eight were suffered by persons actively participating in the commission of high misdemeanors, including burglaries and like crimes (commonly referred to as "looting") and assaults upon police officers, or of persons suspected of such acts who were fired upon while fleeing; nine deaths resulted from gunfire by persons unknown upon individuals not participating in the riots, who were either in or near their homes or were innocent bystanders; two resulted from the accidental shooting of persons in incidents related to the riots; two deaths, probably the result of sniper fire, were those of a police officer and a fire captain on active duty; one case involved a man in circumstances unknown and to which no witnesses were found.

The Jury found that, with some exceptions, police, both Local and State, together with National Guardsmen acquitted themselves with courage and restraint in the early stages of the riot. They were handicapped by lack of training, appropriate equipment, effective direction and experience in dealing with the type of situation in which they were involved. In the later stages of the disturbances, there were examples of poor judgment, excessive use of firearms and a manifestation of vindictiveness that cannot be tolerated in law enforcement personnel.

Based upon the testimony heard and the facts as they were presented, the Jury submits the following recommendations with respect to procedure by law enforcement personnel in future civil disturbances:

1. Streets should be cleared in strict conformance with the curfew and at any other time necessary to prevent injuries to bystanders.

2. Looting should be effectively controlled at its earliest manifestation.

3. There should be a clearly defined chain of command, particularly within small groups of law enforcement personnel dealing with localized incidents.

4. Radio communication facilities must be improved, not only between command posts and units in the field, but also between the commands of the various law enforcement agencies responding to the emergency. This should include the making available of additional radio channels for the exclusive use of law enforcement personnel.

5. All personnel should receive more effective training in riot control procedures to reduce the indiscriminate use of firearms and the consequent danger to innocent persons.

6. Equipment should be improved and updated, and particularly, the use of chemicals and non-lethal gases should be explored and considered.

7. Of major importance is the maintenance at all times of a state of preparedness, including an up-to-the-minute tactical plan of operation to anticipate and suppress any outbreak of civil disorder.

8. It is imperative that relations between the police and the public whom it is their duty to protect be improved. An atmosphere of mutual respect must be effected wherein there is no place for abusive language or ill treatment of any group of citizens.

9. There should be no necessity in times of emergency for law enforcement personnel to carry or use personally-owned firearms while on duty.

In the initial stages of its investigation the members of the Jury were shocked by the apparent lack of cooperation and communication between the law enforcement authorities and the various community organizations known to possess information concerning the homicides. Much vital information was made available reluctantly and only after many requests.

Early in its investigation, the Jury became aware of the Newark Legal Services Project, an organization existing for the avowed purpose of providing legal counsel in civil matters to the underprivileged in Newark. In this area this agency has unquestionably gained the confidence and trust of those it serves and, in fact, one of its officials was named to the Governor's Commission. Because of the regard it had gained in the community, many persons having knowledge of the homicides and other incidents related to the riots either voluntarily or through the advice of friends went to the Legal Service Project offices where statements were prepared from the information proffered. The Jury considered it significant that none of these persons were directed to the Prosecutor's Office with their information. In fact, it was only after requests by the Prosecutor that these statements were finally made available to the Grand Jury. Thereupon, all persons who could be located and identified as having made such statements were subpoenaed and subsequently

testified. From this testimony and from an examination of the statements made available by the Project, the members of the Jury found themselves confronted with certain disturbing facts:

1. A substantial number of statements purported to have been made to the Legal Services Project by witnesses appearing before the Jury were unsigned by either the witness or by the person taking the statement.

2. Some witnesses denied in whole or in part having made statements attributed to them.

3. In some cases, the testimony of witnesses before the Jury differed from the statements, and some repudiated their prior statements while testifying before the Grand Jury.

4. Many of the statements were couched in language untypical of the persons purported to have made them and in fact many of these persons appeared not to understand the meaning of phrases attributed to them.

5. According to the evidence no one who had gone to the Legal Services Project with information regarding any of the homicides under investigation was instructed by the Project to convey such information to the Prosecutor's Office.

Certain other information was brought to the attention of the Jury during its investigation of these matters:

1. It was found that some of the statements were taken by persons with limited training for this task.

2. Many of the statements, although withheld from the law enforcement authorities, somehow became available to persons not associated with the Legal Service

Project and were quoted freely in the press where they became the basis for what were purported to be factual accounts of riot incidents.

3. In the matter of the homicide of James Rutledge, certain statements, later repudiated, were widely circulated by extremist groups along with photographs of the victim's body which had been taken by photographers engaged by the Newark Legal Services Project. These photographs showed the body during the embalming process, a fact ignored or disregarded, but which, in conjunction with the accompanying statements, were well calculated to inflame the minds of those exposed to them.

So disturbing were these facts to the members of the Grand Jury that several officials as well as members of the staff of Newark Legal Services Project were called upon to testify. From their testimony, the Jury ascertained that during and immediately after the July disturbances, the offices of the Project were in a state of great confusion and were overrun with newspaper reporters, persons with statements to make, volunteer workers in addition to the Project's own staff, and others. It was apparent that little or no investigation was undertaken of the background of many workers and volunteers. The Jury could only conclude that during the excitement many of those taking statements from persons involved in the riots either deliberately or unconsciously distorted these statements and in many ways conducted themselves so as to create in the minds of the public a biased and inaccurate impression of many events connected with the disturbances.

In its survey of the tragic events that took place in Newark in July, 1967 the members of the Grand Jury were afforded a unique opportunity as individuals to come face to face with these events in the testimony of persons directly and indirectly involved, police and civilians alike. We have had to revise many previously held ideas and impressions. All the jurors, however, have reached certain firm conclusions that they feel cannot be too strongly emphasized. Riots and disturbances of the kind that took place in Newark and other cities in the summer of 1967 cannot be tolerated in a free society. The rights and safety of the many peaceful and law abiding citizens must be protected.

Those who are entrusted with the enforcement of law and order must have the support and respect of all law abiding men and women and they in turn must so conduct themselves as to deserve that respect. The confidence and trust of the ordinary citizen in our legal processes and our law enforcement agencies must be fostered and augmented. All men and women of good will in the community, of whatever station or background, must strive together to foster this mutual understanding and respect. Hopefully, many representative groups of concerned citizens have been formed since the disturbances to further these aims. These groups must be continuously encouraged and supported.

In the final analysis, the responsibility for the loss of life and property that is the inevitable product of rioting and mass lawlessness cannot be placed upon those whose duty it is to enforce law and protect the freedom of our society. It rests squarely upon the shoulders of those who, for whatever purpose, incite and participate in riots and the flouting of law and order in complete disregard of the rights and well-being of the vast majority of our citizens.

The members of the Grand Jury request that copies of this Presentment be made available, without delay, to the press.

It is respectfully urged by the Grand Jury that the press make every effort to reproduce in full the conclusions, observations and recommendations of the Grand Jury. The Grand Jury foresees the possibility of a grave disservice to the public should the press quote in part or out of context the conclusions, observations, and recommendations of this Presentment.

The Grand Jury further requests that the Court provide a sufficient number of copies of this Presentment for distribution, under the supervision of the Court, to those interested and responsible persons and agencies who make application for the same, in addition to the following individuals and agencies:

National Advisory Commission on Civil Disorder
1016-16th Street, N.W.
Washington, D.C.

Governor's Select Commission on Civil Disorder

Robert D. Lilley, Chairman
Raymond A. Brown, Vice Chairman

Bishop John J. Dougherty
Alfred E. Driscoll
John J. Gibbons
Ben Z. Leuchter
Oliver Lofton
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